

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

ONNA JEAN MULEUCIS-VOTRA and
TIMOTHY VOTRA

Plaintiffs,

Civil Action No. 5:22-cv-366 (MAD/ATB)

V.

JOSEPH SANJEEV and GILLSON
TRUCKING, INC.,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Gillson Trucking, Inc. (“Gillson”), by and through its attorneys, hereby removes the above-captioned case from the New York Supreme Court, County of Cortland. In support of removal, Gillson states as follows:

1. This case is currently pending in the New York Supreme Court, Cortland County. The territory assigned to the United States District Court for the Northern District of New York under 28 U.S.C. § 112(b) includes Cortland County.

2. On or about March 23, 2022, plaintiffs served a Summons and Complaint, dated February 14, 2022, on Gillson. The complaint seeks damages arising from a vehicular accident on or about October 21, 2019. A copy of the Summons and Complaint is attached as **Exhibit A**.

3. This action satisfies the requirements for federal diversity jurisdiction set forth in 28 U.S.C. § 1332(a). Specifically, the amount in controversy exceeds Seventy-Five Thousand (\$75,000) Dollars, exclusive of interests and costs.

4. Moreover, the parties are completely diverse. Plaintiffs are citizens of the State of New York, domiciled and residing at 22 Grove Street, Marathon, New York. Defendants Gillson is a corporation organized and existing under the laws of the State of California with an office address for its principal place of business at 1801 E Dr. Martin Luther King Jr. Blvd., Stockton, CA.

Defendant Joseph Sanjeev, who has not yet been served, is a citizen of the State of California, residing at 3251 Waterview Lane, Stockton, California. The claims therefore involve citizens of New York against citizens of the State of California for the purposes of establishing diversity jurisdiction.

5. The Court has original (diversity) jurisdiction over this case pursuant to 28 U.S.C. § 1332(a), as the amount in controversy exceeds Seventy-Five Thousand (\$75,000) Dollars, exclusive of interests and costs, and the plaintiffs and defendants are citizens of different states. While the Complaint does not state Plaintiffs' alleged damages, counsel for plaintiffs has alleged to the undersigned damages on behalf of each of his clients well in excess of Seventy-Five Thousand (\$75,000) Dollars.

6. This case became removable on or about March 23, 2022 when Defendant Gillson was served. The thirty (30) day period for filing a notice of removal under 28 U.S.C. § 1446(b) has not yet expired, and, therefore, this Notice of Removal is timely.

7. Gillson has not previously sought to remove this action and Gillson is aware of no pending motions requiring the Court's attention.

8. This Notice is signed pursuant to Federal Rule of Civil Procedure 11; beyond the Summons and Complaint, no other process, pleading, or order has been served upon Gillson. *See* 28 U.S.C. § 1446(a).

9. In accordance with 28 U.S.C. § 1446(d), Gillson will promptly file a copy of this Notice with the Clerk of the New York Supreme Court, Cortland County and will give written notice thereof to Plaintiffs.

WHEREFORE, the defendant, Gillson Trucking, Inc., respectfully requests that this Court assume jurisdiction over this matter and that no further proceedings be held in state court. In the

event that any question arises as to the propriety of the removal, Gillson requests the opportunity to submit briefs and be heard at argument in support of its position that removal is proper.

Dated: April 19, 2022

Respectfully submitted,

GILLSON TRUCKING, INC.

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